



Town of Hampden

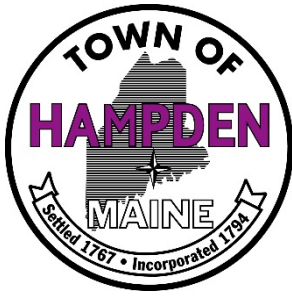
Planning Board

Wednesday December 9, 2020, 7:00 pm

Municipal Building Council Chambers

Agenda

1. Administrative
 - a. Minutes – November 12, 2020 workshop meeting
 - b. Minutes – November 17, 2020 regular meeting
2. Old Business – None
3. New Business
 - a. Public Hearing, Conditional Use: Chad & Lea Thornwall have submitted a conditional use application for an Agricultural Diversity Use (A-ACC-1), which includes the proposed activities farm/agricultural classes, hosting of agricultural professionals and others, seasonal events, and hosting farm-stays accessory to their principle use, agriculture located at 137 Sawyer Road (04-0-060) in the Rural District.
 - b. Informational Review: Hampden Highlands Solar Project for 4.95 MWac ground mounted solar array (23.3 acres of total fenced area) located at Meadow Road (exact address TBD) (02-0-040), in the Rural District. This application will be reviewed as a Major Site Plan on the January 13, 2020 Planning Board agenda.
4. Planning Board Comments
5. Adjournment



Town of Hampden
Planning Board Workshop
Thursday November 12, 2020

Minutes

This meeting was held via remote means (Google Meet) due to the Covid-19 Pandemic, in accordance with SP0789 / LD2167, An Act To Implement Provisions Necessary to the Health, Welfare and Safety of the Citizens of Maine in Response to the COVID-19 Public Health Emergency.

In Attendance:

Planning Board

Richard Tinsman
Ladoiya Wells
Brent Wells
Jake Armstrong

Staff

Sarah DelGizzo, Contract Planner
Wanda Libbey, Recording Clerk
Amy Ryder, Economic Development Director

Public
(none)

Vice-Chair Tinsman called the meeting to order at 6:30 pm.

Amy Ryder Economic Development Director presented to Planning Board Members three draft ordinances for review and recommendations.

1. Review of proposed Solar Ordinance

Key points discussed included:

- Will be a stand-alone ordinance or be incorporated into the Zoning Ordinance? This will be a stand-alone ordinance.
- Discussion was held concerning performance bonds.

Motion: Member L.Wells moved to send draft solar ordinance to the next Planning Board Meeting for further review; Member Armstrong seconded; motion carried 4/0/0 by roll call vote.

2. Review of proposed Adult Use Cultivation Facilities Ordinance

Key points discussed included:

- § 7.3 recommended clarifying tier limits.
- Recommended adding § to Articles 7 and 8 stating no retail sales in Hampden.

Motion: Member L. Wells moved to send draft Adult Use Cultivation Facilities Ordinance to the next Planning Board Meeting for further review; with a modification to Section 7.3 and additional sub-section to Article 7 and 8 concerning no retail sales in Hampden; second by Member Armstrong; motion carried 4/0/0 by roll call vote.

3. Review of Habitability Standards

Key points discussed included:

- Ramifications of buildings that do not meet standards.
- Discussion concerning buildings prior to this ordinance.

Motion: Member L. Wells moved to send Habitability Standards to the next Planning Board Meeting for further review; Member Armstrong seconded; motion carried 4/0/0 by roll call vote.

4. Planning Board Comment - none

5. Adjournment

Motion: Member B. Wells moved to adjourn the meeting at 7:29 pm, seconded by Member L. Wells; motion carried by roll call vote 4/0/0.

Respectfully submitted by Wanda Libbey, Admin Asst.



Town of Hampden

Planning Board

Tuesday, November 17, 2020, 7:00 pm

This Meeting was Postponed from November 11, 2020

Municipal Building Council Chambers

Minutes

In Attendance:

Planning Board

Kelley Wiltbank, Chairman
Jake Armstrong
Brent Wells
Ladoiya Wells
Richard Tinsman
Jennifer Austin
Gene Weldon

Staff

Sarah DelGizzo, Contract Planner
Amy Ryder, Economic Development Director
Ryan Carey, CEO

Public

none

1. Administrative

a. Minutes – October 14, 2020 regular meeting

Motion: by Chair Wiltbank to approve the minutes of the October 14, 2020 regular meeting, seconded by member Weldon; motion carried 6/0/1 by roll call vote, (member Armstrong abstained).

b. Minutes – October 20, 2020 workshop meeting

Motion: by member Tinsman to approve the minutes of the October 20, 2020 workshop meeting, seconded by member Austin; motion carried 5/0/2 by roll call vote, (member Armstrong and member Weldon abstained).

2. Old Business

Member Tinsman reviewed the Planning Board Workshop that was held on Thursday, November 12, 2020 at 6:30 p.m. Four Planning Board Members attended this meeting to review three new ordinances, the first one was the proposed Solar Ordinance. Those members present felt it was a well-developed ordinance that will serve best as a stand-alone ordinance with additional provisions around solar development. As a stand-alone ordinance it will allow for applicants, developers, and the public to have a better understanding of the requirements and standards for solar energy systems proposed in Hampden.

Member Tinsman asked Economic Development Director, Amy Ryder to go over the provisions and the purpose of the Solar Ordinance.

Amy explained that the purpose of the ordinance is to provide standards around roof-mounted and ground-mounted solar energy systems, which are becoming increasingly popular in Maine and in Hampden. Currently we have no ordinance in place for which serves this purpose. The State of Maine has provided a sample ordinance for municipalities to use as a guideline when developing their own standards. Amy worked with CEO, Ryan Carey and Town Manager, Paula Scott, to create what we feel is needed in the Town of Hampden, in putting together this ordinance. Staff referred to the Zoning Ordinance regarding classification of minor and major site plan review required based on square footage. The biggest piece of this is the abandonment article with regards to removing the structure when the lifespan is up, or the system is no longer generating energy. Staff consulted with legal counsel to ensure the wording is correct.

Questions:

Member Tinsman asked if the language would remain the same concerning the performance guarantee? Amy stated that yes it would remain the same.

Member Weldon asked if this ordinance had any legal review by our town attorney? Amy replied that the town's Contract Planner, Sarah DelGizzo has reviewed it. Amy has also reached out to the town attorney regarding the abandonment article to make sure that it is correctly worded and there were no issues.

Motion: by member Weldon moved to approve sending Solar Ordinance to Town Council for review and final approval, seconded by member Austin; motion carried 7/0/0 by roll call vote.

The next ordinance that was reviewed was the Adult Use Marijuana Ordinance. And it is, as was described to us is an addition to the town's existing ordinance where there were articles that were reserved for these sections, article seven, eight, and nine that would be submitted to the Town Council for consideration. One of the questions the Board had during the workshop was in Section 7.3 on page one, where it says no more than two adult use cultivation facilities may be in the town, there are different sizes of adult use cultivation facilities in the ordinance tier one, tier two, three, and four, based on state law. The Board discussed if rather than regulating the amount of facilities, should the total size of facilities be regulated?

Amy stated that what will be brought to Town Council is only one tier one or two in town and only one tier three or four in town. This will allow no more than two total facilities in Hampden and Town Council would confirm the tiers allowed in each zone.

Questions:

Member Weldon asked if this is an amendment to our existing ordinance or is completely new? Amy explained that this would be an amendment for the reserved articles.

Motion: by member L. Wells to approve sending the Adult Use Marijuana Ordinance to Town Council for review and final approval, seconded by member B. Wells; motion carried 7/0/0 by roll call vote.

The final standards that the Board reviewed were the Town of Hampden revisions to the building regulations titled habitability standards. Again, a well fleshed out document that brings Hampden into the 21st century in terms of buildings that have been deteriorating or are deteriorated.

CEO Ryan Carey explained to those present that at this time, this is for residential properties. At this point the Town does not have a mechanism in place to deal with deteriorated properties other than deeming them a dangerous building and raising them. There is little enforcement ability between new construction and deteriorated building. This gives us the ability to work with a property owner a little bit more, and gives them more options and opportunity to get into compliance and hopefully will not only improve the landscape, but also improve the health of our residents.

Motion: by member B. Wells to approve sending Habitability Standards, which will be an additional to Article 4 of the Zoning Ordinance, to Town Council for review and final approval, seconded by member L. Wells; motion carried 7/0/0 by roll call vote.

3. New Business

- a. Public Hearing to consider proposed amendments to various sections of the Hampden Subdivision Ordinance to clarify or correct language. Chairman Wiltbank opened the hearing at 7:18 pm after confirmation that the hearing was duly noticed.

This is a repeal and replacement of the subdivision ordinance. This would completely replace the existing Subdivision Ordinance. The goal of this update was to make the ordinance more user friendly, and to clarify the process and make the review process easier to understand. This ordinance eliminates inconsistencies that were found between the Town Ways Ordinance, which is also in the process of being updated, and it also eliminates inconsistencies with state laws. There are certain state standards required by subdivision law and this ordinance brings in those standards. It also clarifies the improvement guarantees section. The memo provided in the packets for tonight goes through a side by side comparison of the table of contents. Essentially, there was some reorganization that happened and then there's additional standards that were brought in that brings the ordinance into state compliance.

Chair Wiltbank closed the public hearing at 7:21 p.m.

Motion: by member Weldon moved to approve sending Habitability Standards, which will be an additional to Article 4 of the Zoning Ordinance, to Town Council for review and approval, seconded by member L. Wells; motion carried 7/0/0 by roll call vote.

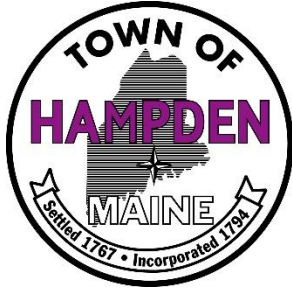
4. Planning Board Comment

Member Weldon clarify to those watching at home that ordinances can be started in the Planning Board, they can come through the Town Council to the Planning Board. Ultimately, it is the Council's decision to adopt them. And that generally means a public hearing as well. At times, there is one at a time there is two. But in all cases, there is a public hearing at least once. The Council will see these same ordinances, review them, put them up for public comment, and hearing, and then decide if they will approve them.

5. Adjournment

Motion: by member Weldon to adjourn the meeting at 7:26 pm; second by member Tinsman; motion carried 7/0/0 by roll call vote.

*Respectfully submitted by Wanda Libbey,
Administrative Asst.*



Town Planner
planner@hampdenmaine.gov

Report

Conditional Use Review

Chalet Farms, LLC

To: Planning Board
From: Sarah DelGizzo, Planner, North Star Planning
CC: Ben Smith, AICP, Principle, North Star Planning
Chad and Lea Thornwall, Chalet Farms, LLC
Date: November 30, 2020
RE: Report on Application for a Conditional Use Review – Chalet Farms, LLC

Project Information:

Applicant: Chad and Lea Thornwall
Site Location: 137 Sawyer Road; Tax Map/Lot: 04-0-060
Zoning District: Rural District
Proposal: This application is for a conditional use review for an Agricultural Diversity Use (A-ACC-1), an accessory use to the principle use of Agriculture.

The proposed use, Agricultural Diversity Use (A-ACC-1) is defined as “Activities that are intended to diversify and supplement income generated on properties that are principally used for agriculture, and that are accessory uses to the principle agricultural uses of the property, including but not limited farm-stay vacations, public events for education and enjoyment that directly relate to agricultural products, services, or experiences (e.g. horse show or competition, sheep shearing event).”

The applicant states, activities proposed through the conditional use application, include but are not limited to:

- Farm/agricultural classes
- Hosting of other agricultural professional and others by providing a meeting place
- Seasonal events (such as, snowmobile rides, sledding, ice skating etc.)
- Farm–stay hosting

Temporary structures associated with proposed activities could include temporary tent (estimated size of 30'X40') and portable restrooms. There could be music and/or a sound system and additional lighting, per the applicant's discretion.

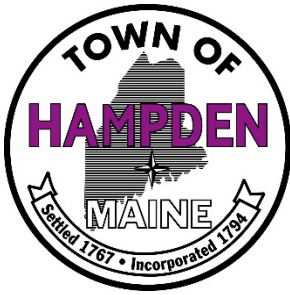
Upon initial review of this Conditional Use application submitted October 29th, 2020, we requested additional information from the applicant (see November 12, 2020 Planner Memo). We received additional information, and upon a second review, the application has been determined to be complete. A draft Order is also attached for your review.

With the following conditions, the application meets the requirements of Section 4.2.5 Approval Standards of Conditional Use.

1. That all amplified sound associated with a sound system must be shut down by 10PM on the nights of any Agricultural Diversity Use activities.
2. That all outdoor lighting associated with an Agricultural Diversity Use activity must be turned off by 10PM on the nights of those activities.
3. That any activity which draws more than 50 cars within a 1–hour period, have a private flagger located at the entrance of the property to assist with traffic and pedestrian safety.

Base on above, I recommend approval of the Conditional Use, as submitted, to operate Agricultural Diversity Uses, which includes farm,–stay vacations, and public that events for the education and enjoyment directly relate to agricultural

products, services, or experiences, subject to the conditions outlined above and in the draft Board Order, attached.



Town of Hampden
Land & Building Services
Planning Board Order
Conditional Use
Chalet Farms, LLC

Approval Date: December 9, 2020

Project Name: Chalet Farms, LLC

Location of Project: 137 Sawyer Road

Assessor's Reference: 04-0-060

Deed Reference: B13607/P16

Zoning District: Rural District

Total Acreage: 120 acres

Type of Use: A-ACC-1 Agricultural Diversity Use

Building Area: N/A

Applicant: Chad and Lea Thornwall
137 Sawyer Road
Hampden, ME 04444

Owner: Chad and Lea Thornwall
137 Sawyer Road
Hampden, ME 04444

Plans Prepared by: Chad and Lea Thornwall

Plans Dated: October 29, 2020 and November 24, 2020

Application Date: October 29, 2020 (November 24, 2020 update)

Public Hearing: December 9, 2020

*PB Members:*¹ J. Kelley Wiltbank, Richard Tinsman, Eugene Weldon, Jennifer Austin,
Jake Armstrong, Brent Wells, Ladoiya Wells

PB Action: Approved. This Conditional Use for Agricultural Diversity Uses has been approved under Section 4.2.5 with the following conditions:

¹ Planning Board Members who were eligible to vote on this case.

1. That all amplified sound associated with a sound system must be shut down by 10PM on the nights of any Agricultural Diversity Use activities.
2. That all outdoor lighting associated with an Agricultural Diversity Use activity must be turned off by 10PM on the nights of those activities.
3. That any activity which draws more than 50 cars within a 1-hour period, have a private flagger located at the entrance of the property to assist with traffic and pedestrian safety.

Summary Description of Application: This application is for a conditional use review of an Agricultural Diversity Use (A-ACC-1) defined as “Activities that are intended to diversify and supplement income generated on properties that are principally used for agriculture, and that are accessory uses to the principle agricultural uses of the property, including but not limited farm-stay vacations, public events for education and enjoyment that directly relate to agricultural products, services, or experiences (e.g. horse show or competition, sheep shearing event).”

Activities proposed through the conditional use application, include but are not limited to:

- Farm/agricultural classes
- Hosting of other agricultural professional and others by providing a meeting place
- Seasonal events (such as, snowmobile rides, sledding, ice skating etc.)
- Farm-stay hosting

Temporary structures associated with proposed activities could include temporary tent (estimated size of 30’X40’) and portable restrooms. There could be music and/or a sound system and additional lighting, per the applicant’s discretion.

Findings: After the public hearing duly noticed and held, the Hampden Planning Board made the following findings as required by Section 4.2.5 of the Hampden Zoning Ordinance:

1. The proposal is consistent with the general purpose and intent of this Ordinance and it will not be detrimental to the health, safety or welfare of the neighborhood or the Town.
2. The proposal is compatible with existing uses and development patterns in the neighborhood.
3. The proposal will not create a nuisance to the neighborhood due to impacts such as noise, odors, dust, gas, fumes, smoke, light or other emissions, and the proposed use will be operated in compliance with the performance standards set forth in §4.4 of this Ordinance.
4. The proposal will not create undue traffic congestion nor unduly impair pedestrian safety, and provides safe vehicular and pedestrian circulation within the site.

5. The proposal ensures adequate space onsite for loading and unloading of goods, products, materials, and equipment incidental to the normal operation of the establishment or use.
6. The proposed use will provide adequate and safe provision for the collection, storage, and disposal of all wastes generated or stored on the site.
7. The proposal will not exceed the capacity of any public utility (e.g. sewage disposal, water supply, stormwater management system, solid waste disposal, roads, etc.) to such an extent that the proposed use or any existing use will be unduly subject to hazards affecting health, safety, or the general welfare.
8. The proposed use will not deny light and air to surrounding properties.
9. The proposal minimizes environmental impacts including erosion, siltation, changes to ground and/or surface water levels (quantity), or changes to ground or surface water quality.
10. The proposed use will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat.
11. The applicant has adequate financial and technical capacity to meet the requirements of this Ordinance and any conditions imposed by the planning board.

Based on these findings, the Hampden Planning Board voted X/X/X to approve the Conditional Use application to operate Agricultural Diversity Uses, which includes farm-stay vacations, and public events for the education and enjoyment that directly relate to agricultural products, services, or experiences, on their property located at 137 Sawyer Road subject to the conditions listed below.

Waivers (requested): None.

Conditions:

1. That all amplified sound associated with a sound system must be shut down by 10PM on the nights of any Agricultural Diversity Use activities.
2. That all outdoor lighting associated with an Agricultural Diversity Use activity must be turned off by 10PM on the nights of those activities.
3. That any activity which draws more than 50 cars within a 1-hour period, have a private flagger located at the entrance of the property to assist with traffic and pedestrian safety.

[Continued on the next page]

DRAFT

For the Hampden Planning Board:

J. Kelley Wiltbank, Chair

Date

Richard Tinsman, Vice Chair

Eugene Weldon

Jennifer Austin

Brent Wells

Jake Armstrong

Ladoiya Wells

Notes:

1. A copy of this decision is on file with the Land & Building Services Office at the Town Offices, 106 Western Avenue, Hampden, ME 04444.
2. This decision is subject to appeal in accordance with Article 6 of the Hampden Zoning Ordinance within 30 days after the date this decision is made by the Planning Board.